

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**THE LOCAL SPOT, INC. d/b/a THE
LOCAL, *et al.*,**

Plaintiffs,

v.

**JOHN COOPER, in his official
capacity as Mayor of Metropolitan
Nashville-Davidson County, *et al.*,**

Defendants.

**Case No. 3:20-cv-00421
Judge Richardson
Magistrate Judge Newbern**

**JOINT MOTION TO CONSOLIDATE AND AMEND CASE MANAGEMENT
ORDER AND RESPONSIVE PLEADING DEADLINE**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 6.01(a), and for good cause, Plaintiffs, The Local Spot, Inc.; Geoffery Reid; Harry O's Steakhouse, LLC; HTDG, LLC; and Timothy Stephen Smith, and Defendants, John Cooper and Dr. Gill Wright III, in their official capacities, move to modify the case management order in this case. Plaintiffs and Defendants Cooper and Wright¹ also move pursuant to Fed. R. Civ. P. 42(a)(2) to consolidate this case with the recently-filed federal lawsuit captioned *Tootsie's Entertainment, LLC d/b/a Tootsie's Orchid Lounge, et al. v. John Cooper, in his official capacity as Mayor of Metropolitan Nashville-Davidson County, et al.* ("*Tootsie's Entertainment*"), Case No. 3:21-cv-00501.

On August 4, 2021, upon the request of the parties, Chief Judge Crenshaw reassigned *Tootsie's Entertainment* to Judge Richardson's Court and deemed it a "related case," given its significant overlap with this matter. For the same reasons, judicial economy

¹ This case is stayed as to Defendants Michael Caldwell and Kia Jarmon under the *Younger* abstention doctrine. (Doc. Nos. 107 & 186.) Kia Jarmon is represented by the undersigned counsel for Defendants Cooper and Wright. Dr. Caldwell is represented by attorneys from Sherrard & Roe, who have been consulted concerning the matters addressed herein.

weighs in favor of consolidating the two matters. Plaintiffs in *Tootsie's Entertainment* challenge the same health orders and actions at issue in this case, and discovery in this case will largely encompass the discovery that otherwise would be taken in *Tootsie's Entertainment*. Written discovery is already underway and will overlap significantly between the two cases. Accordingly, judicial economy weighs in favor of consolidation.

While consolidation will not require extensive amendment to the case management order, Plaintiffs and Defendants Cooper and Wright also move to amend a few deadlines to provide additional time for fact witness depositions and expert disclosures. These amendments will not affect the current dispositive motion deadline or trial date and will not interfere with the orderly progression of the case.² Thus, Plaintiffs and Defendants Cooper and Wright request that the current scheduling order be amended as follows:

<u>Description of Deadline</u>	<u>Current Deadline</u>	<u>Proposed Amended Deadline</u>
Plaintiffs' deadline to identify and disclose experts	October 10, 2021	November 10, 2021
Defendants' deadline to identify and disclose experts	November 10, 2021	December 10, 2021
Fact witness deposition deadline	October 10, 2021	December 10, 2021

The amended deadlines listed above will not affect the current trial date in this matter. Thus, Plaintiffs and Defendants Cooper and Wright certify that the proposed

² Defendants Cooper and Wright, through counsel, have consulted with Defendant Michael Caldwell's counsel concerning the matters raised in this motion. Because Defendant Caldwell is not a party to Case No. 3:21-cv-00500, he has not joined the motion to consolidate. In addition, while these matters were being discussed, the Court entered an order granting Dr. Caldwell's request for a stay under the *Younger* abstention doctrine. (Doc. No. 186.) And while Dr. Caldwell reserves the right to request new case management deadlines if and when the stay is lifted, he does not oppose consolidation or the amendments to the case management order requested in this motion. Likewise, Kia Jarmon, who is also represented by undersigned counsel for Defendants Cooper and Wright does not oppose consolidation or amendment, subject to the right to request new deadlines if and when the stay as to her is lifted.

amendment conforms to Local Rule 16.01(h)(1) and respectfully request that the Court extend the case management deadlines as outlined above.

Finally, Plaintiffs and Defendants Cooper and Wright have worked cooperatively on service of the *Tootsie's Entertainment* lawsuit, with counsel for Defendants agreeing to accept service and Plaintiffs having provided an electronic copy of the Complaint. Defendants have consulted with Plaintiffs concerning the need for additional time to prepare and file a response to the Complaint, and Plaintiffs do not oppose such a request. Thus, the parties request that Defendants have an extension up to and including twenty-one (21) days from entry of an order on this joint motion to consolidate to file a response to the Complaint.

Respectfully submitted,

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NASHVILLE AND DAVIDSON COUNTY
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing has been served via CM/ECF to:

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on this 4th day of August, 2021.

/s/ Allison L. Bussell
Allison L. Bussell